

REMARKS

In the Office Action, the claims have been restricted between the following allegedly distinct species:

- Species I: Recited in claims 16 and 22-25, covering an emitter tube as shown in Fig. 1;
- Species II: Recited in claims 16, 22, 23 and 25, covering an emitter tube as shown in Fig. 3;
- Species III: Recited in claim 17, covering an emitter tube as disclosed on page 8, lines 1-3 of the specification; and
- Species IV: Recited in claim 18, covering an emitter tube as disclosed on page 7, lines 19-22 of the specification.

The Action further indicates that claims 14, 15, 19 and 20 are generic to all four of the above-referenced species. Since the Examiner has not indicated to which species claim 21 belongs, Applicant hereby assumes that claim 21 is also generic to all four of the above-referenced species. The Examiner has also indicated that claims 16, 22, 23 and 25 are sub-generic to Species I and II only.

Applicant respectfully traverses this Restriction Requirement on the grounds that no serious burden exists on the Examiner in examining all of the claims in a single application. The present invention is directed to an emitter tube suitable for use with an irrigation system. The embodiment of Fig. 1 (Species I) differs from the embodiment of Fig. 3 (Species II) primarily in that an intermediate section of the emitter tube is provided with a reduced wall thickness. The embodiment disclosed on page 8, lines 1-3 (Species III) differs from Species I and II only in that the emitter tube includes steps at intervals along its length. Finally, the embodiment disclosed on page 7, lines 19-22 (Species IV) differs from Species I-III in that the inside diameter of the emitter tube tapers from a relatively large diameter at its base to a smaller diameter at its free end, while an outer profile of the emitter tube remains constant in diameter.

It is apparent that a search of Species I-IV would overlap since any search would involve an emitter tube formed from a resiliently flexible material including a base inlet end adapted to be mounted and a free outlet end. Species I-IV only differ in details of the emitter tube wall configuration. Accordingly, applicant believes that the pending claims

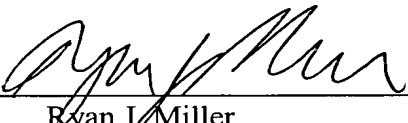
do possess unity of invention and restriction between the above-referenced, allegedly distinct species is believed to be inappropriate.

Furthermore, the present application is the U.S. national phase of PCT Application No. PCT/ZA03/00048, filed April 9, 2003. All of the claims in the PCT application were examined with a single search. The International Searching Authority did not believe that the present invention lacked unity of invention.

However, in the event the Examiner maintains the Restriction Requirement, Applicant hereby elects, with traverse, to prosecute the invention of Species I, which includes claims 14-16 and 19-25. Applicant makes this election without prejudice to the later filing of a divisional application directed to the non-elected inventions. Further, claims 17 and 18 are dependent, either directly or indirectly, upon independent claim 14. Therefore, in the event claim 14 is deemed to be allowable, then claims 17 and 18 should be reinstated as part of the present application.

Respectfully submitted,

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